UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991
(619) 557-5620 FAX (619) 557-5536

FILED
08 JUL 24 PM 4:02
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

TRANSMITTAL MEMORANDUM

To: UNITED STATES DISTRICT COURT
880 Front Street, Suite 4290
San Diego, California 92101

'08 CV 1343 LAB POR

From: BARRY K. LANDER, Clerk District/Office No. 974-3

CASE NAME	
Enrique Cervantes	BANKRUPTCY NO. 07-00641-JM7
	ADVERSARY NO.
	APPEAL NO. 1
	BANKRUPTCY JUDGE James W. Meyers
	DATE BANKRUPTCY FILED 2/12/07

DATE OF ENTRY OF APPEALED ORDER:	NOTICE OF APPEAL FILED ON:	FEE PAID:	NOTICE OF REFERRAL TO USDC MAILED ON:
7/11/08	7/21/08	YES	July 23, 2008

DATED: July 23, 2008

Barry K. Lander, Clerk

By: [signature] Deputy Clerk

CSD 1251 [05/10/00]

FILED

July 23, 2008

CLERK, U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY 104 DEPUTY

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West "F" Street, San Diego, California 92101-6991

In Re
Enrique Cervantes

Debtor.

BANKRUPTCY NO. 07-00641-JM7

Enrique Cervantes (Appellant)

v.
Nancy Wolf (Appellee)

BK APPEAL NO. 1
ASSIGNED TO JUDGE James W. Meyers

NOTICE OF REFERRAL OF APPEAL TO UNITED STATES DISTRICT COURT COMBINED WITH SERVICE OF NOTICE OF APPEAL

TO: Daniel Winfree, 1010 Second Ave. Ste 1015, San Diego CA 92101
Eric D. Wolf, PO Box 420448, San Diego CA 92142
United States Trustee, Dept. of Justice, 402 W. Broadway, Ste. 600, San Diego, CA 92101

NOTICE IS HEREBY GIVEN that a Notice of Appeal has been filed by Enrique Cervantes with the Clerk of the Bankruptcy Court. By virtue of orders of the Judicial Council of the Ninth Circuit and the District Court for this district, the above appeal has been referred to the United States District Court for the Southern District of California.

For further information, you may contact the Clerk of the United States District Court at 880 Front Street, Suite 4290, San Diego, California 92101 or by calling (619) 557-5600.

I hereby certify that on this date copies of the Notice of Appeal and the within Notice of Referral were mailed to the above-named person(s).

DATED: July 23, 2008

Barry K. Lander, Clerk

By: [signature], Deputy Clerk

FILED

08 JUL 24 PM 4:02

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

DANIEL J. WINFREE
Attorney at Law #98890
1010 Second Ave., Ste. 1015
San Diego, CA 92101
Phn: (619) 235-6060
Fax: (619) 234-8620

Attorney for Appellant, Enrique Cervantes

'08 CV 1343 LAB POR

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In re: Enrique Cervantes, Debtor.	Case No.: 07-00641-JM7 NOTICE OF APPEAL

Enrique Cervantes, appeals under 28 U.S.C. §158(a) or (b) from judgment, order, or decree of the bankruptcy court of the Southern District of California entered on the 7-11-08.

The parties to the order appealed from and names of their respective attorneys are as follows:

Enrique Cervantes c/o DANIEL J. WINFREE 1010 Second Ave., #1015 San Diego, CA 92101	Nancy Wolf c/o Eric D. Wolf POB 420448 San Diego, CA 92142

Dated: July 21, 2008

Signed: /s/Daniel J. Winfree
DANIEL J. WINFREE,
Attorney for Appellant

Address: 1010 2nd. Ave., Ste. 1015
San Diego, CA 92101

c:\Bank\Appellate.Not

DANIEL J. WINFREE, SBN: 98890
1010 Second Avenue, Suite 1010
San Diego, CA 92101
Telephone (619) 235-6060
Facsimile (619) 234-8620

Case No.: 07-00641

PROOF OF SERVICE

I AM A CITIZEN OF THE United States. My business address for this proof of service is 1010 Second Avenue, Suite 1015, San Diego, California 92101. I work in the county of San Diego where this service occurs. I am over the age of 18 years, and not a party to the within cause. I am readily familiar with the normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S. Postal Service the same day as the day of collection in the ordinary course of business.

On the date set forth below, following ordinary business practice, I served the forgoing document(s) described as:

Notice of Appeal and Election to Have Matter Heard by District Court

☐ (BY FAX) by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or stated on the attached service list, on this date before 5:00 p.m.

☒ (BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at San Diego, California.

☐ (BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s).

☐ (BY FEDEX-NEXT DAY DELIVERY) requested at San Diego, California addressed to

Nancy Wolf
c/o Eric Wolf
POB 420448
San Diego, CA 92142

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 21, 2008 in San Diego, California.

/s/ Daniel J. Winfree
Daniel J. Winfree

FILED

08 JUL 24 PM 4:02

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

DANIEL J. WINFREE
Attorney at Law #98890
1010 Second Ave., Ste. 1015
San Diego, CA 92101
Phn: (619) 235-6060
Fax: (619) 234-8620

Attorney for Appellant, Enrique Cervantes

'08 CV 1343 LAB POR

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In re: Enrique Cervantes, Debtor.	Case No.: 07-00641-JM7 ELECTION TO HAVE MATTER HEARD BY DISTRICT COURT

Enrique Cervantes, appellant, hereby elects pursuant to 28 U.S.C. §158 (c)(1)to have this appeal heard by the United States District Court, Southern District of California.

Dated:7-21-2008

/s/Daniel J WINFREE
DANIEL J. WINFREE,
Attorney for Appellant

c:\Bank\Appellate.Not

ERIC D. WOLF, Esq. SBN# 75223
P.O. Box 420448
San Diego, CA 92142
Telephone: (619) 239-9653
Facsimile: (858) 279-9610

Attorney for Nancy Wolf
Trustee for the Estate of
Enrique Cervantes, Debtor

ENTERED 7-11-08
FILED
JUL 10 2008
CLERK, US BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

FILED
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JUN 27 2008
CLERK, U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY AC DEPUTY

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In re ENRIQUE CERVANTES, Debtors.	Case No. 07-00641-JM7 ORDER GRANTING MOTION FOR TURNOVER OF PROPERTY OF THE ESTATE Hearing Date/Time/Department Date: June 19, 2008 Time: 2:00 o'clock p.m. Dept: 1 (Judge James Meyers)

The hearing on the trustee's motion for turnover of property of the estate was held on June 19, 2008 at 2:00 o'clock a.m. in Department 1 of the United States Bankruptcy Court. Eric D. Wolf, Esq. appeared with Nancy L. Wolf, the trustee and moving party; and Daniel J. Winfree, Esq. appeared representing the debtor, Enrique Cervantes, the responding party.

The court having heard the motion, the opposition thereto and claim of exemption by the debtor, and considering the arguments of counsel in the matter, the trustee's motion for turnover of the debtor's income tax refunds is granted.

///

Now, therefore,

IT IS ORDERED that the debtor, Enrique Cervantes, turnover to Nancy L. Wolf, as trustee, the moneys received for the refund on the debtor's 2005 federal income tax return in the amount of Two Thousand Six Hundred and Fourty-Five ($2,645.00) Dollars; and the moneys received for the refund on the debtor's 2006 federal income tax return in the amount of Four Thousand Seven Hundred and Ninety-Seven ($4,797.00) Dollars as property of the estate.

Dated: JUL 10 2008

JUDGE, UNITED STATES BANKRUPTCY COURT

Signature by the attorney constitutes a certification under Fed.R.Bankr.P. 9011 that the relief provided by the order is the relief granted by the court.

Submitted by:

ERIC D. WOLF, ESQ.
Attorney for Trustee
Nancy L. Wolf

In re Enrique Cervantes, Debtor
Bankruptcy Case No. 07-00641-JM7
ORDER GRANTING MOTION FOR TURNOVER
OF PROPERTY OF THE ESTATE

ERIC D. WOLF, Esq. SBN# 75223
P.O. Box 420448
San Diego, CA 92142
Telephone: (619) 239-9653
Facsimile: (858) 279-9610

Attorney for Nancy Wolf
Trustee for the Estate of
Enrique Cervantes, Debtor.

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

In re ENRIQUE CERVANTES, Debtor.	Case No. 07-00641-JM7 NOTICE OF LODGMENT

To: Enrique Cervantes, Debtor; and to

Daniel J. Winfree, Esq., the Debtor's Attorney:

Please take notice that the Order Granting Motion for Turnover of Property of the Estate has been lodged with the court pursuant to Bankruptcy Local Rule 7054-3. A copy of the order is annexed hereto and served with this notice. You have five (5) business days within which to file and serve any objections to the form and/or substance of the order, or propose alternative pleadings if desired.

Dated: June 27, 2008

ERIC D. WOLF, ESQ.
Attorney for Trustee
Nancy L. Wolf

CERTIFICATE OF SERVICE BY MAIL

In re Enrique Cervantes, Debtor.
Bankruptcy Case No. 07-00641-JM7

I, the undersigned declare that I am a citizen of the United States over 18 years of age; that on June 27, 2008, I served a true copy of the within documents, to wit:

ORDER GRANTING MOTION FOR TURNOVER OF PROPERTY OF THE ESTATE

NOTICE OF LODGMENT

by depositing the same in a sealed envelope in the United States Mail at San Diego, California with first-class postage prepaid and addressed to the persons and/or entities listed below:

Daniel J. Winfree, Esq.
1010 Second Ave., Suite 1015
San Diego, CA 92101

Enrique Cervantes
3067 Thorn Street
San Diego, CA 92104

U.S. Department of Justice
Office of the U.S. Trustee
402 W. Broadway, Suite 600
San Diego, CA 92101

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 27, 2005 at San Diego, California.

NANCY L. WOLF
P.O. Box 420448
San Diego, CA 92142
Telephone: (619) 239-9653

MiscTick, AwaitClo, Asset7, Appeal

U.S. Bankruptcy Court
Southern District of California (San Diego)
Bankruptcy Petition #: 07-00641-JM7

Assigned to: Judge James W. Meyers
Chapter 7
Previous chapter 13
Voluntary
Asset

Date Filed: 02/12/2007
Date Converted: 06/26/2007
Date Discharged: 10/10/2007

Debtor
Enrique Cervantes
3067 Thorn Street
San Diego, CA 92104
SSN: xxx-xx-4414
aka
Henry Cervantes

represented by **Daniel J. Winfree**
1010 Second Avenue, Suite 1015
San Diego, CA 92101
(619) 235-6060
Email: lawyer@bkatty.com

Trustee
Nancy Wolf
P.O. Box 420448
San Diego, CA 92142
(619) 239-9653

represented by **Eric D. Wolf**
P.O. Box 420448
San Diego, CA 92142
(619) 239-9653
Email: nwolf@epitrustee.com

Filing Date	#	Docket Text
02/12/2007	1	Chapter 13 Voluntary Petition, Schedules D,E,F. Fee Amount $274.00 filed by Daniel J. Winfree on behalf of Enrique Cervantes. Incomplete Schedules & Statements Due by 2/27/2007; Declaration re: ECF due by 2/27/2007; Statement of Social Security Number due by 2/27/2007. (Winfree, Daniel). Modified on 2/28/2007 (McGrew, J.). (Entered: 02/12/2007)
02/12/2007	2	Certificate of Credit Counseling for Debtor filed by Daniel J. Winfree on behalf of Enrique Cervantes. (Winfree, Daniel) (Entered: 02/12/2007)
02/12/2007	3	Receipt of Chapter 13 Voluntary Petition(07-00641-13) [misc,1305u] (274.00) Filing Fee. Receipt number 2707187. Fee Amount 274.00 (U.S. Treasury) (Entered: 02/12/2007)
02/13/2007	4	Meeting of Creditors & Notice of Appointment of Interim Trustee Thomas H. Billingslea with 341(a) meeting to be held on 03/15/2007 at 02:00 PM at 402 W. Broadway, Sixth Floor, Suite 630 San Diego, CA 92101,. Complaint to determine dischargeability of certain debts deadline: 05/14/2007. Proof of Claim due by 06/13/2007. (Admin.,) (Entered: 02/13/2007)
02/13/2007	5	Incomplete Schedules Deadline and/or Request for Notice of Incomplete Schedules Due. Schedules Missing: Summary, Statistical Summary, Schedule A,B,C,G,H.I,J, Statement of Affairs, :Plan, Statement Monthly Income Schedules Due by 2/27/2007,Statement of Current Monthly Income and Disposable Income Form 22C: 2/27/2007. (related documents 1 Chapter 13 Voluntary Petition,) (Freyer, J.) (Entered: 02/13/2007)
02/13/2007	6	Court Certificate of Mailing re Notice of Incomplete Schedules Due (related documents 5 Incomplete Schedules Deadline & Request for Notice of Incomplete Schedules Due,) Service Date 02/15/2007. (Admin.) (Entered: 02/15/2007)
02/13/2007	7	Court Certificate of Mailing (related documents 4 Meeting of Creditors,) Service Date 02/15/2007. (Admin.) (Entered: 02/15/2007)
02/22/2007	8	Request for Special Notice filed by GMAC Mortgage, LLC (Pollack, Gina) (Entered:

		02/22/2007)
02/27/2007	9	Balance of Schedules and/or Chapter 13 Plan. *(*Schedules A,B,C,G,H,I,J w/Summary, Statement of Financial Affairs, Atty Fee Disclosure, Notice to Individual Consumer, Rights & Responsibilities, Statistical Summary, Ch 13 Statement of Current Monthly Income & Disposable Income Form 22C, Chapter 13 Plan)* with Certificate of Service (related documents 5 Incomplete Schedules Deadline & Request for Notice of Incomplete Schedules Due) filed by Daniel J. Winfree on behalf of Enrique Cervantes. (Winfree, Daniel). Modified on 2/28/2007 (McGrew, J.). (Entered: 02/27/2007)
02/27/2007	10	Initial Chapter 13 Plan filed by Daniel J. Winfree on behalf of Enrique Cervantes. (Winfree, Daniel) (Entered: 02/27/2007)
02/28/2007	13	Court Certificate of Mailing (related documents 10 Chapter 13 Plan) Service Date 03/02/2007. (Admin.) (Entered: 03/02/2007)
03/01/2007	11	Receipt of Statement of Social Security Number COURT NOTE: The PDF document is a secured image. (related documents 1 Chapter 13 Voluntary Petition,) filed by Daniel J. Winfree on behalf of Enrique Cervantes. (Cruz, L.) (Entered: 03/01/2007)
03/01/2007	12	Declaration Re: Electronic Filing (related documents 1 Chapter 13 Voluntary Petition,) filed by Daniel J. Winfree on behalf of Enrique Cervantes. (Cruz, L.) (Entered: 03/01/2007)
03/27/2007	14	Notice of Classification of Claim and Right To Request a Hearing with Certificate of Mailing. Re: Claim # 5 filed by Thomas H. Billingslea. (Freyer, J.) (Entered: 03/27/2007)
03/29/2007	15	Objection to Confirmation of Chapter 13 Plan. (related document 10 Chapter 13 Plan) filed by Thomas H. Billingslea on behalf of Thomas H. Billingslea (Billingslea, Thomas) (Entered: 03/29/2007) (Entered: 03/29/2007)
03/29/2007	16	Notice of Hearing on Objection to Confirmation of Chapter 13 Plan and Motion to Dismiss. filed by Thomas H. Billingslea on behalf of Thomas H. Billingslea Scheduled for 06/27/2007 at 10:00AM at Courtroom 2, Room 118 Jacob Weinberger U.S. Courthouse. (related document 15 Objection to Confirmation of Chapter 13 Plan) (Billingslea, Thomas) (Entered: 03/29/2007) (Entered: 03/29/2007)
03/30/2007	17	Court Certificate of Mailing (related documents 15 Objection to Confirmation of Chapter 13 Plan) Service Date 04/01/2007. (Admin.) (Entered: 04/01/2007)
03/30/2007	18	Court Certificate of Mailing (related documents 16 Notice of Hearing on Objection to Confirmation of Chapter 13 Plan and Motion to Dismiss and Certificate of Service,) Service Date 04/01/2007. (Admin.) (Entered: 04/01/2007)
04/02/2007	19	Request for Special Notice filed by Alan Steven Wolf on behalf of EMC Mortgage Corporation. (Wolf, Alan) (Entered: 04/02/2007)
04/10/2007	20	Objection *to Chapter 13 Plan and Declaration of Stefanie Bench in Support Thereof* (related documents 10 Chapter 13 Plan) filed by Alan Steven Wolf of The Wolf Firm, A Law Corporation on behalf of EMC Mortgage Corporation. (Attachments: # 1 Declaration # 2 Proof of Service) (Wolf, Alan) (Entered: 04/10/2007)
04/17/2007	21	Notice of Hearing on Objection to Confirmation of Chapter 13 Plan. filed by David E. Britton on behalf of Suzan Mora. **HEARING Scheduled for 6/27/2007 at 10:00 AM at Courtroom 2, Room 118, Weinberger Courthouse** (Britton, David)10 Modified on 4/18/2007 (Freyer, J.). (Entered: 04/17/2007)
04/17/2007	22	Rejections to Plan: *Objection to Confirmation of Plan* filed by David E. Britton on behalf of

		Suzan Mora. (related documents 21 Notice of Hearing on Objection to Confirmation of Chapter 13 Plan,) (Britton, David)10 Modified on 4/18/2007 (Freyer, J.). (Entered: 04/17/2007)
04/24/2007	23	Proof of Service *of Proof of Claim No. 7* filed by Eddie R. Jimenez on behalf of GMAC Mortgage, LLC. (Jimenez, Eddie) (Entered: 04/24/2007)
05/02/2007	24	Objection to Confirmation of Chapter 13 Plan; Pre Confirmation (related documents 10 Chapter 13 Plan) filed by Eddie R. Jimenez of Pite Duncan, LLP on behalf of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR GREENPOINT MORTGAGE FUNDING, INC., its successors and/or assigns.. (Attachments: # 1 Exhibit A - Note# 2 Exhibit B - Deed of Trust# 3 Exhibit C - Proof of Claim) (Jimenez, Eddie) (Entered: 05/02/2007)
05/02/2007	25	Notice of Hearing on Objection to Confirmation of Chapter 13 Plan. filed by Eddie R. Jimenez on behalf of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR GREENPOINT MORTGAGE FUNDING, INC., its successors and/or assigns.. **HEARING Scheduled for 6/27/2007 at 10:00 AM at Courtroom 2, Room 118, Weinberger Courthouse** (related documents 24 Objection to Confirmation of Chapter 13 Plan Pre Confirmation,) (Jimenez, Eddie) (Entered: 05/02/2007)
05/02/2007	26	Request for Special Notice filed by Eddie R. Jimenez on behalf of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., SOLELY AS NOMINEE FOR GREENPOINT MORTGAGE FUNDING, INC., its successors and/or assigns.. (Jimenez, Eddie) (Entered: 05/02/2007)
05/04/2007	27	Request for Notification of Errors/Deficiencies(BNC) (related documents 24 Objection to Confirmation of Chapter 13 Plan Pre Confirmation,) (Freyer, J.) (Entered: 05/04/2007)
05/04/2007	28	Court Certificate of Mailing (related documents 27 Request for Notification of Errors/Deficiencies) Service Date 05/06/2007. (Admin.) (Entered: 05/06/2007)
05/09/2007	29	Adversary case 07-90266. Complaint by Suzan Mora against Enrique Cervantes. Nature of Suit: 64 (Dischargeability - 523(a)(15), divorce/sep property settlement/decree) , Fee Amount $ 250 Filed by David E. Britton, Suzan Mora, Enrique Cervantes on behalf of Suzan Mora. (Attachments: # 1 Adversary Proceeding Sheet) (Britton, David) (Entered: 05/09/2007)
06/21/2007	30	Declaration of Compliance; Local Rule 3015-6 (related documents 15 Objection to Confirmation of Chapter 13 Plan) filed by Michael Koch on behalf of Thomas H. Billingslea. (Koch, Michael) (Entered: 06/21/2007)
06/26/2007	31	Notice of Conversion of Case Under Chapter 13 to a Case Under Chapter 7 by Debtor Fee Amount $ 25 filed by Daniel J. Winfree on behalf of Enrique Cervantes. (Winfree, Daniel) (Entered: 06/26/2007)
06/26/2007	32	Receipt of Notice of Conversion of Case from 13 to 7(07-00641-JM13) [notice,1336] (25.00) Filing Fee. Receipt number 2857922. Fee Amount 25.00 (U.S. Treasury) (Entered: 06/26/2007)
06/26/2007	33	Schedules (related documents 31 Notice of Conversion of Case from 13 to 7) filed by Daniel J. Winfree on behalf of Enrique Cervantes. (Winfree, Daniel) (Entered: 06/26/2007)
06/27/2007	34	Certificate of Service: The Deputy Clerk indicated below, being a regularly appointed and qualified clerk in the office of the U.S. Bankruptcy Court for the S. District of CA, at San Diego, hereby certifies that a true copy of the NOTICE OF CONVERSION OF THE CASE UNDER CHAPTER 13 TO A CASE UNDER CHAPTER 7 BY DEBTOR was served upon the attorney for the debtor or the debtor, if not represented by counsel, the Chapter 13 trustee, the Chapter 7 interim trustee, and the U.S. Trustee on this date. (related documents 31 Notice

		of Conversion of Case from 13 to 7) (Freyer, J.) (Entered: 06/27/2007)
06/27/2007	35	Meeting of Creditors & Notice of Appointment of Interim Trustee Nancy Wolf with 341(a) meeting to be held on 08/02/2007 at 09:45 AM at Suite 630, Emerald Plaza Building, Objections for Discharge due by 10/01/2007. Financial Management Course Due Date: 9/17/2007. (Freyer, J.) (Entered: 06/27/2007)
06/27/2007	36	Court Certificate of Mailing (related documents 35 Meeting of Creditors 13 to 7,) Service Date 06/29/2007. (Admin.) (Entered: 06/29/2007)
06/27/2007	37	Court Certificate of Mailing re Notice of Requirement to File a Statement of Completion of Course in Personal Financial Management (related documents 35 Meeting of Creditors 13 to 7,) Service Date 06/29/2007. (Admin.) (Entered: 06/29/2007)
07/20/2007	38	Chapter 13 Trustee's Final Report and Account (CONVERTED case) . (Koch, Michael) (Entered: 07/20/2007)
07/20/2007	39	Order Approving Account and Discharging Chapter 13 Trustee. It appearing to the Court that the Chapter 13 Trustee, has performed all duties required in the administration of this case; the Trustee has made distribution of all funds coming into his possession as required by order of this Court and has rendered a full and complete account, and the Trustee has performed all other duties required of him in the administration of this case; IT IS ORDERED the accounts of said Trustee be approved and allowed; the Trustee be discharged and relieved of his trust; the blanket bond of the Chapter 13 Trustee, regarding this estate, be canceled and any sureties be released from further liability, except any liability which may have accrued during the time such bond was in effect. Barry K. Lander, Clerk signed on 7/20/2007. (Admin) (Entered: 07/20/2007)
07/20/2007	40	Court Certificate of Mailing of Chapter 13 Trustee's Final Report and Account; with service (related documents 38 Chapter 13 Trustee's Final Report and Account (CONVERTED case)) Service Date 07/22/2007. (Admin.) (Entered: 07/22/2007)
08/05/2007	41	Notice of Continuance of First Meeting of Creditors on 9/5/2007 at 02:30 PM at Suite 630, Emerald Plaza Building, (Wolf, Nancy) (Entered: 08/05/2007)
08/17/2007	42	Motion for Relief from Stay, RS # EAT1 Fee Amount $ 150 filed by Edward A. Treder on behalf of Mortgage Electronic Registration Systems, Inc., as nominee for Central Mortgage Company, its successors and assigns (Attachments: # 1 Declaration with Exhibits) (Treder, Edward) (Entered: 08/17/2007)
08/17/2007	43	Receipt of Motion for Relief from Stay (07-00641-JM7) [motion,185] (150.00) Filing Fee. Receipt number 2921596. Fee Amount 150.00 (U.S. Treasury) (Entered: 08/17/2007)
08/17/2007	44	Notice of Filing of a Motion for Relief from Automatic Stay RS # EAT1 filed by Edward A. Treder on behalf of Mortgage Electronic Registration Systems, Inc., as nominee for Central Mortgage Company, its successors and assigns. Notice of Filing of Motion for Relief from Stay Served On: 8/17/2007. Request for Hearing & Opposition due by: 8/31/2007 (related documents 42 Motion for Relief from Stay,) (Treder, Edward) (Entered: 08/17/2007)
08/28/2007	45	The Debtor has failed to comply with 11 U.S.C. Sec. 521(e)(2) and has not timely filed the required income tax return within seven (7) days before the date first set for the first meeting of creditors. Failure to comply with the above requirement may result in dismissal of the case without further notice. filed by Nancy Wolf on behalf of Nancy Wolf. (Wolf, Nancy) (Entered: 08/28/2007)
08/28/2007	47	Court Certificate of Mailing (related documents 45 Notice of Debtor's Failure to File Income Tax Return,) Service Date 08/30/2007. (Admin.) (Entered: 08/30/2007)

10/17/2007	65	Request for Special Notice filed by EMC Mortgage Corporation (Schlotter, John) (Entered: 10/17/2007)
01/17/2008	66	Report of Abandonment of Real Property with Certificate of Service . (Wolf, Nancy) (Entered: 01/17/2008)
01/19/2008	67	Amended Report of Abandonment of Real Property with Certificate of Service *correcting information.* (Wolf, Nancy) (Entered: 01/19/2008)
03/04/2008	68	Substitution of Attorney. Involvement of William F. McDonald Terminated. Anne L. Warner is hereby substituted as attorney of record for various creditors in the place and stead of William F. McDonald previously of Pite Duncan, LLP filed in the U.S. Bankruptcy Court for the Southern District of California. Refer to docket #15 in Case #08-00232-JM7 for PDF Document. (Admin.) (Entered: 03/06/2008). (Entered: 03/06/2008)
04/30/2008	69	Notice of Hearing and Motion with Certificate of Service *for turnover of property of the estate* filed by Eric D. Wolf on behalf of Nancy Wolf. **HEARING Scheduled for 5/30/2008 at 10:00 AM at Courtroom 1, Room 218, Weinberger Courthouse** . Notice of Motion and Hearing Served On: 4/30/2008. Unless an Order Shortening Time has been entered, Opposition due by: 5/19/2008. (Attachments: # 1 Motion for turnover of property of the estate) (Freyer, J.) (Entered: 05/01/2008)
05/19/2008	70	Opposition *to Turnover* (related documents 69 Notice of Hearing and Motion,) filed by Daniel J. Winfree on behalf of Enrique Cervantes. (Winfree, Daniel) (Entered: 05/19/2008)
05/27/2008	71	Transcript: You are Hereby Notified that a transcript of the hearing held 8/2/07 was filed with the Court on 5/27/2008. Access to this transcript is restricted for five business days from the date of filing. All parties have five business days to file a Notice of Intent to Request Redaction of certain identifying information as provided in the Judicial Conference's Privacy Policy. The four identifying items are: Social Security numbers (should be redacted to show only the last four digits); birth dates (should contain only the year of birth); individuals known to be minors (should be referred to with initials); and financial account numbers (should be redacted to the last four digits). If a Notice of Intent to Request Redaction is filed, the party then has 21 calendar days to file with the court and the court reporter, a Notice of Redaction with List of Location Identifiers. Once the transcript has been redacted and refiled with the court by the court reporter, or, when a Notice of Intent to Request Redaction is not filed by a party within 5 business days, the transcript becomes electronically available to the public. (Freyer, J.) (Entered: 05/27/2008)
05/27/2008	72	Transcript: You are Hereby Notified that a transcript of the hearing held 9/5/07 was filed with the Court on 5/27/2008. Access to this transcript is restricted for five business days from the date of filing. All parties have five business days to file a Notice of Intent to Request Redaction of certain identifying information as provided in the Judicial Conference's Privacy Policy. The four identifying items are: Social Security numbers (should be redacted to show only the last four digits); birth dates (should contain only the year of birth); individuals known to be minors (should be referred to with initials); and financial account numbers (should be redacted to the last four digits). If a Notice of Intent to Request Redaction is filed, the party then has 21 calendar days to file with the court and the court reporter, a Notice of Redaction with List of Location Identifiers. Once the transcript has been redacted and refiled with the court by the court reporter, or, when a Notice of Intent to Request Redaction is not filed by a party within 5 business days, the transcript becomes electronically available to the public. (Freyer, J.) (Entered: 05/27/2008)
05/27/2008	73	Declaration *of Trustee in support of Motion for turnover of property of the estate* (related documents 69 Notice of Hearing and Motion,) filed by Eric D. Wolf on behalf of Nancy Wolf. (Freyer, J.) (Entered: 05/27/2008)
05/27/2008	74	Reply *Memorandum to debtor's opposition to Motion for turnover of property of the estate* (related documents 70 Opposition, 69 Notice of Hearing and Motion,) filed by Eric D. Wolf on behalf of Nancy Wolf. (Freyer, J.) (Entered: 05/27/2008)

05/27/2008	75	Request for Judicial Notice filed by Eric D. Wolf on behalf of Nancy Wolf. (related documents 71 Transcript,,,,, 69 Notice of Hearing and Motion,, 72 Transcript,,,,) (Freyer, J.) (Entered: 05/27/2008)
05/27/2008	76	Court Certificate of Mailing - BNC (related documents 71 Transcript, , , ,) Service Date 05/29/2008. (Admin.) (Entered: 05/29/2008)
05/27/2008	77	Court Certificate of Mailing - BNC (related documents 72 Transcript, , , ,) Service Date 05/29/2008. (Admin.) (Entered: 05/29/2008)
05/30/2008	78	**Minute Order. Hearing DATE: 05/30/2008,** MATTER: MOTION FOR TURNOVER OF PROPERTY OF THE ESTATE FILED BY ERIC D. WOLF ON BEHALF OF NANCY WOLF.. **DISPOSITION: See Attached PDF document for details.** (vCal Hearing ID (65117)). **HEARING Scheduled for 06/19/2008 at 02:00 PM at Courtroom 1, Room 218, Weinberger Courthouse** (related documents 69 Notice of Hearing and Motion,) (Pearson, M.) (Entered: 05/30/2008)
05/30/2008	79	Order on stipulation to Continue Hearing on Motion for turnover of property **HEARING Scheduled for 6/19/2008 at 02:00 PM at Courtroom 1, Room 218, Weinberger Courthouse** (related documents 78 Minute Order,, 69 Notice of Hearing and Motion,) signed on 5/30/2008. (Freyer, J.) (Entered: 06/02/2008)
06/19/2008	80	**Minute Order. Hearing DATE: 06/19/2008,** MATTER: MOTION FOR TURNOVER OF PROPERTY OF THE ESTATE FILED BY ERIC D. WOLF ON BEHALF OF NANCY WOLF (fr 5/30). **DISPOSITION: See Attached PDF document for details.** (vCal Hearing ID (66503)). (related documents 69 Notice of Hearing and Motion,) (Pearson, M.) (Entered: 06/19/2008)
06/19/2008	81	Trustee's Request to Set Claims Bar Date. filed by Nancy Wolf on behalf of Nancy Wolf. (Wolf, Nancy) (Entered: 06/19/2008)
06/20/2008	82	Approval of Request to Set Claims Bar Date. Notice of Order Fixing Claims Date requested on: 6/20/2008. Proof of Claims due by 9/18/2008, (related documents [81] Trustee's Request to Set Claims Bar Date) (McGrew, J.) (Entered: 06/20/2008)
06/20/2008	83	Order fixing date to file proofs of claim & notice thereof with service. (related documents 82 Approval of Request to Set Claims Bar Date) Service Date 06/22/2008. (Admin.) (Entered: 06/22/2008)
06/27/2008	84	*Duplicate Original* Notice of Lodgment of Order *for Turnover of Property* with Service filed by Eric D. Wolf on behalf of Nancy Wolf. (related documents 69 Notice of Hearing and Motion,) (Freyer, J.) (Entered: 07/07/2008)
07/10/2008	85	Order Granting Notice of Hearing and Motion for turnover of property of the estate to the Trustee previously lodged.(Related Doc # 69) signed on 7/10/2008. (Freyer, J.) (Entered: 07/11/2008)
07/11/2008	86	Notice of Entry of Judgment or Order for turnover of property of the estate previously lodged (related documents 85 Order re:Notice of Hearing and Motion) (Freyer, J.) (Entered: 07/11/2008)
07/21/2008	87	Notice of Appeal. BK Appeal No. 1. Fee Amount $255. filed by Daniel J. Winfree on behalf of Enrique Cervantes. Appeal Designation Due By: 7/31/2008. Statement of Issues due by 7/31/2008. Appellee Designation Due By: 8/11/2008. Record Transmission due by 9/4/2008. (related document 85 Order) (Winfree, Daniel). Modified on 7/23/2008 (McGrew, J.). (Entered: 07/21/2008)
07/21/2008	88	Election for Appeal to be Heard by District Court.. BK Appeal No. 1. filed by Daniel J.

		Winfree on behalf of Enrique Cervantes. (related document 87 Notice of Appeal) (Winfree, Daniel). Modified on 7/23/2008 (McGrew, J.). (Entered: 07/21/2008)
07/22/2008	89	Receipt of Notice of Appeal(07-00641-JM7) [appeal,97] (255.00) Filing Fee. Fee Amount 255.00 Receipt number 3427416. (U.S. Treasury) (Entered: 07/22/2008)
07/23/2008	90	Notice of Referral of Appeal to the U.S. District Court with service of Notice of Appeal. BK Appeal No: 1. (Attachments: # 1 Transmittal Memorandum) (related documents 87 Notice of Appeal) (McGrew, J.) (Entered: 07/23/2008)

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
Enrique Cervantes

DEFENDANTS
Nancy Wolf

FILED
08 JUL 24 PM 4:02
CLERK, U.S. DISTRICT COURT

(b) County of Residence of First Listed Plaintiff ____
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant ____
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Daniel J. Winfree
1010 Second Ave., Ste. 1015
San Diego, CA 92101
(619) 235-6060

Attorneys (If Known)
'08 CV 1343 LAB POR

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- x 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury

PERSONAL INJURY
- ☐ 362 Personal Injury - Med. Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 444 Welfare
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Sentence

Habeas Corpus:
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 630 Liquor Laws
- ☐ 640 R.R. & Truck
- ☐ 650 Airline Regs.
- ☐ 660 Occupational Safety/Health
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt.Reporting & Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 463 Habeas Corpus - Alien Detainee
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- x 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 810 Selective Service
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 875 Customer Challenge 12 USC 3410
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 892 Economic Stabilization Act
- ☐ 893 Environmental Matters
- ☐ 894 Energy Allocation Act
- ☐ 895 Freedom of Information Act
- ☐ 900Appeal of Fee Determination Under Equal Access to Justice
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

x 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):
28 U.S.C. 158
Brief description of cause:

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND $** CHECK YES only if demanded in complaint: **JURY DEMAND:** ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE ____ DOCKET NUMBER ____

DATE ____ SIGNATURE [redacted]

FOR OFFICE USE ONLY

RECEIPT # ____ AMOUNT ____ APPLYING IFP ____ JUDGE ____ MAG. JUDGE ____